TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

March 6, 2001 LB 170, 171

the median, but the bill says that you'll adjust to any level of assessment that satisfies the requirements of...other requirements of state law, and that will provide that you can adjust to a measure of central tendency, so it perhaps gives us a little bit more flexibility and I think will produce better results. I think those were the salient features of the green copy of the bill; they're all addressed, as well, in the committee amendments, but perhaps in a slightly different way. So, Mr. President, that would conclude my remarks about the green copy of the bill and maybe we should go to the committee amendments, if we could.

SENATOR CUDABACK: Thank you, Senator Wickersham. As Chairman of the Revenue Committee, you're recognized to open on the committee amendments. Senator Wickersham.

SENATOR WICKERSHAM: Mr. President, members of the body, the committee amendments to the bill, in addition to addressing issues that are in the green copy of the bill, and it addresses the issue of the Bartlett case in a slightly different fashion. It addresses it in the fashion that you would see if you examined LB 171. And I think that it was simply the committee's preference for the methodology set out in LB 171, it is the committee's recommendation that we do something statutorily to meet the concerns expressed by the Supreme Court in Bartlett. It's just a difference in the approaches. The committee believes that the approach that was in LB 171 is a more flexible approach, one that will be better for use by the Property Tax Administrator's Office, by local assessors who have the ability to create classes and subclasses of property, and that it is a...it is frankly a more flexible approach. In addition to the explicit rule for mailbox that we have in the green copy of the bill, we're adding another section that is in...it's an existing section in state law that creates a mailbox rule for most other filings that have to do with claims or tax returns. Chapter 49. We're adding to that pro...that general, generic provision in Chapter 49, language that would, we think, expressly deal with the issues that were raised in the St. Joseph's Hospital case and take care of it with both a specific mailbox rule for TERC and then a generalized mailbox rule that if anybody reads the statutes they'll find that in